

REMARKS

OVERVIEW

Claims 1-7, 10-17, and 30-35 are pending in this application. Claims 8 and 9 have been cancelled. The present response is in earnest effort to place the application in proper form for immediate allowance. Reconsideration and passage to issuance is respectfully requested.

ISSUES UNDER 35 U.S.C. § 112

Claims 1-9, 30, and 35 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner has rejected claims 1 and 4 because in the clean copy of the claims, the claims ran together. Therefore, a clean copy of claims 1 and 4 is submitted herewith. Claims 1 and 4 have not been otherwise changed. It is respectfully submitted that this rejection is overcome.

The Examiner has also rejected claims 8 and 9 because there is no antecedent basis for the "predetermined distance." Therefore claims 8 and 9 have been cancelled. Therefore, it is respectfully submitted that these rejections should be withdrawn.

ISSUES UNDER 35 U.S.C. § 102(b)

Claims 32-34 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Pfohl et al. On page 2 of the Office Action, the Examiner states:

"Claims 32-34 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pfohl et al. Pfohl shows a device having a housing, a pressure and temperature sensor 50 (lung sounds) and 52 or 66 (hear sounds) and 72 located in the housing, and a display 36 located in the housing. The device transmits the signal using IR waves to a remote receiver 32."

Claim 32 explicitly requires "a memory disposed within the housing and operatively connected to the pressure transducer for storing audio representation of a sound transduced by the pressure transducer." U. S. Patent No. 5,010,890 Pfohl does not disclose such a memory. Furthermore, the Examiner does not indicate what the Examiner considers the memory to be. Therefore, it is respectfully submitted that this rejection should appropriately be withdrawn. As claims 33-35 depend from claim 32, the Applicant respectfully submits that these rejections should also be withdrawn, and the Examiner should find these claims allowable.

ISSUES UNDER 35 U.S.C. § 103(a)

Claims 1-17, 30, 31, and 35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Pfohl et al in view of Thorton. This rejection is respectfully traversed. Claim 1 requires "a display secured to the housing and operatively connected to the pressure transducer for displaying a representation of an output from the pressure transducer." This is simply not disclosed in Thorton. In Thorton, there is a Local Monitor E and a Display Monitor and Recorder D, but neither is associated with the housing of A (See Figure 1).

It is further noted that in Pfohl, the wireless link is between the Audio IR Transmitter 28 and the Portable Audio IR Receiver 32 (See Figures 1 and 2). This allows a doctor to wirelessly monitor sounds associated with a patient. It does not provide for "a housing", "a pressure transducer operatively attached to the housing" and "a transmitter . . . operatively attached to the housing."

Therefore, this rejection to claim should be withdrawn and the Examiner should find claim 1 allowable. As claims 2-7, 9, and 35 depend from claim 1, these rejections should also be withdrawn.

Claim 10 requires "transducing a physiological pressure using a device placed on a patient; displaying a representation of the physiological pressure using the device placed on the patient." Neither Pfohl nor Thorton disclose a device placed on a patient, that has a display. In both cases, large external monitors are used. Therefore, this rejection should be withdrawn.

As claims 11-17 depend from claim 10, these rejections should also be withdrawn.

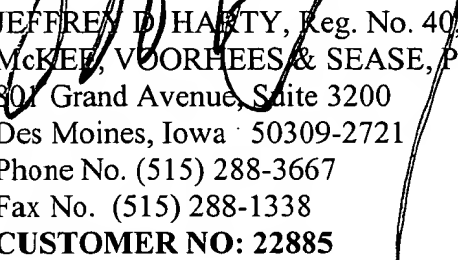
With respect to claim 30, neither Pfohl nor Thorton discloses a memory for storing an audio representation. Therefore, this rejection is improper and should be withdrawn. Similarly, with respect to claim 31, neither Pfohl nor Thorton discloses recording an audio representation of the physiological pressure within the device. Therefore, this rejection should also be withdrawn. Claim 35 depends from claim 1 and therefore this rejection should be withdrawn on that basis.

No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

The Examiner is respectfully invited to call the undersigned attorney at (515) 288-3667 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitation in the present application if the Examiner has not found that all claims should be immediately allowed.

Respectfully submitted,



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Application No. 09/560,205

**AMENDMENT — VERSION WITH MARKINGS
TO SHOW CHANGES MADE**

In the Claims

Please cancel claims 8 and 9.

Kindly amend claims 1 and 4 as follows:

1. (Amended)

A new device for monitoring a physiological pressure having the advantages of limiting electromagnetic interference and consuming little power, comprising:
a pressure transducer; and
a transmitter in operative communication with the transducer, the transmitter adapted to broadcast a signal which is modulated by an output of the pressure transducer;
wherein the transmitter is adapted to limit the power of the broadcast signal so that the signal will attenuate within a predetermined distance from the transmitter; and
a display operatively connected to the pressure transducer for displaying a representation of an output from the pressure transducer.

4. (Amended)

The device of claim 1, further comprising:
a temperature sensor, wherein the transmitter is adapted to convey a signal which is modulated by outputs of both the pressure transducer and the temperature sensor, and wherein the display is further adapted to display a representation of an output from the temperature sensor.

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